

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

JUL
18
1994

TRICK 201-LH

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention

entitled SEALED PACKAGE OF FILM FOR PRODUCING FRAMED PHOTOGRAPHS

the specification of which

(check one) is attached hereto. was filed on 7/30/93 asApplication Serial No. 08/100,019 andwas amended on _____
(if applicable)was amended through _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) <small>(patented, pending, abandoned)</small>
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(Application Serial No.)	(Filing Date)	(Status) <small>(patented, pending, abandoned)</small>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named Inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Arnold Sprung, Reg. No. 17,232; Nathaniel D. Kramer, Reg. No. 25,350; Ira J. Schaefer, Reg. No. 26,802 and Alan J. Grant, Reg. No. 33,389 of 120 White Plains Road, Tarrytown, New York 10591; Leonard Horn, Reg. No. 17,200; Karl F. Milde, Jr., Reg. No. 24,822; Kurt G. Briscoe, Reg. No. 33,141 and William C. Gerstenzang, Reg. No. 27,552 of 660 White Plains Road, 4th Floor, Tarrytown, New York 10591-5144, my attorneys with full power of substitution and revocation.

Send Correspondence To: SPRUNG HORN KRAMER & WOODS 660 White Plains Road, 4th Fl. Tarrytown, New York 10591-5144	Direct Telephone Calls To: (914) 332-1700
-------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------

Full Name Of Sole or First Inventor Robert T. Trick	Inventor's Signature	Date 9-12-93
Residence 2600 Henry Hudson Parkway, Bronx, NY 10463	NY	Citizenship United States
Post Office Address 2600 Henry Hudson Parkway, Bronx, NY 10463		
Full Name Of Second Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		
Full Name Of Third Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		
Full Name Of Fourth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		
Full Name Of Fifth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		
Full Name Of Sixth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		
Full Name Of Seventh Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

#7

Applicant or Patentee: John T. Trick Attorney's LH
Serial or Patent No.: 08/100,019 Docket No.: TRICK 201-LH
Filed or Issued : 7/30/93
For : SEALED PACKAGE OF FILM FOR PRODUCING FRAMED PHOTOGRAPHS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with described in

- the specification filed herewith
 application Serial No.08/100,019, filed 7/30/93
 patent no. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern, or organization
 persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entitled.
(37 CFR 1.27)

FULL NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

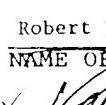
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Robert T. Trick


NAME OF INVENTOR

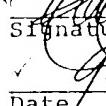
NAME OF INVENTOR

NAME OF INVENTOR


Signature of Inventor


Signature of Inventor


Signature of Inventor


Date

Date

Date

Trick 201-LH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ROBERT T. TRICK
SERIAL NO. : 08/100,019
FILED : July 30, 1993
FOR : SEALED PACKAGE OF FILM FOR PRODUCING
FRAMED PHOTOGRAPHS
ART UNIT : UNASSIGNED
EXAMINER : UNASSIGNED

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

**DECLARATION OF DIANA MCDONALD
PURSUANT TO 37 CFR 1.132**

SIR:

I, DIANA MCDONALD, hereby declare:

1. From July 1990, to date I have been the receptionist for the law firm of SPRUNG HORN KRAMER & WOODS (the firm) whose main office is located at 660 White Plains Road, Tarrytown, New York (formerly of 1140 Avenue of the Americas, New York, New York 10036);

2. When correspondence is mailed from our office to the U.S. Patent and Trademark Office, a return postcard listing the items sent is usually attached to the correspondence. If we do not receive the postcard back within a given period of time, then a telephone call is usually placed to the U.S. Patent and Trademark Office to ascertain whether the correspondence was, in fact, received. It falls upon me, as

the receptionist, to make the telephone calls to the U.S. Patent and Trademark Office to ascertain whether the correspondence was, in fact, received;

3. Attached hereto as Exhibit 1 is a list that I was given approximately the beginning of November 1993 listing those cases in which correspondence had been mailed to the U.S. Patent and Trademark Office, but for which a return postcard had not yet been received. The second entry relates to the application designated as our Trick 201. According to the record, the correspondence sent included a communication regarding the filing of a declaration and a verified statement; and

4. Attached hereto as Exhibit 2 is a copy of a page from my telephone log. It should be clear from the log that on November 16, 1993, I telephoned Application Branch and was informed that "they rec'd it". After making this telephone call, I drew a line through the line beginning "Trick 201" on Exhibit 1 and wrote "Received" above the line to indicate that the communication regarding the filing of a declaration and a verified statement was, in fact, received by the U.S. Patent and Trademark Office.

5. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 7-12-94

By Diana McDonald
Diana McDonald

MISSING CANDS

11-1-93

MAILED / AVE

ACTIONS

101			
B 8137.1	9-24-93	RECEIVED 8-30-93	Req for CERT OF CORR.
FRICK 201			COPIES REGARDING FILING OF ACC. VENUE STATEMENT.
LT 201	Received	Received from MANHATTAN ATTORNEY	
KAI 802	9-29-93	Received	APPLIC DECL. DECLARATION POWER OF ATTY FOR GR.
B 7757.1	10-1-93	Received 8-28-93	ATTC FEE & CERT OF MAIL
B 8786	10-13-93	Received P.C.	115, 1781449 & refs.
FCF 239	"	Received 10-8-93	LT TO THE OFFICE OF ATTORNEY
FCD 260.1	"	Received 10-28-93	" " "
B 7634.2	"	Received P.C.	Req for CERT OF CORR.
OTHSI 548	10-14-93	Received P.C.	LTN OF CORRECTION
B 8610.1	"	Received P.C. 10-19-93	AUDIT R111
B 8048.1	"	Received P.C.	Req for CERT OF CORR.
B 8650	"	Received P.C.	SOMA AUDIT R111
B 8322.1	"	Received 10-8-93	AUDIT R111
B 8586	10-15-93	Received 10-8-93	AUDIT R111
B 7827.3	"	Received 10-8-93	" " "
B 8603	"	Received 10-8-93	" " "
B 7925	"	Received P.C.	AUDIT 312(a) LT TO OFFICE
HAE 220.2	"	Received P.C.	RESPONSE TO REQUEST INFO
B 8584	"	Received 10-8-93	AUDIT R111
B 8536	10-18-93	Received 10-8-93	AUDIT R116
		GENERAL	
YAI 247.4	9-24-93	Received P.C.	LET EX- TIMES
bestad off 278.1	10-7-93	RECEIVED	File written. cont. HALL 115

11-15-93

B-8137.1 LFT MSSG w/RECEPT (Ex. Siegel, 4692)
B-7451.1 " " " " (" Bond, 4711)
~~KPI-802 NO ANS.~~

11-15

B-7451.1 Deana spoke to the recept. (Mrs. Thomas) She said
Ex. Bond rec'd Base Fee & ~~cert~~ of mailing on
10/7

B-8137.1 Deana spoke to recept. (Mrs. Thomas.) She said
Ex. Siegel hasn't rec'd Request for Cert. of
Correction.

11-16-93

TRICK-201 Deana called Appic Branch. They rec'd it. (Comm.
regarding filing of Decl. Verified Statement)

BW 278.1 Deana spoke to Ex. Christina Chan. She rec'd
request form for File Wrapper, Cont. Appic. ID#s, Amend

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ROBERT T. TRICK
SERIAL NO. : 08/100,019
FILED : July 30, 1993
FOR : SEALED PACKAGE OF FILM FOR PRODUCING
FRAMED PHOTOGRAPHS
ART UNIT : UNASSIGNED
EXAMINER : UNASSIGNED

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

**DECLARATION OF NANCI MANFREDI
PURSUANT TO 37 CFR 1.132**

SIR:

I, NANCI MANFREDI, hereby declare:

1. From May 29, 1985, to date I have been in charge of the docket department of the law firm of SPRUNG HORN KRAMER & WOODS (the firm) whose main office is located at 660 White Plains Road, Tarrytown, New York (formerly of 1140 Avenue of the Americas, New York, New York 10036). Since April 19, 1993, I have been the Office Manager;

2. My duties include overseeing the mail function, i.e., monitoring the receipt from and mailing to the U.S. Patent and Trademark Office of correspondence

relating to applications prosecuted by the firm;

3. During the period (hereinafter "this period") from September to November 1993, the mail function was mainly performed by Madalyn Prevete, who was under my intimate supervision but is no longer employed by the firm;

4. Ms. Prevete's duties during this period included mailing of correspondence to the U.S. Patent and Trademark Office. The mailing of all such correspondence was noted in a "mail book", which was arranged by date. On each date, she would briefly indicate what was mailed in connection with a given application or patent, which would be designated in the mail book by our internal docket number;

5. Attached hereto as Exhibit 1 is a copy of page number 0948 of the mail book dedicated exclusively to mail sent to the Commissioner of Patents ("COP"). I recognize the handwriting associated with the entry designated "Trick 201" to be that of Ms. Prevete. The page indicates that on September 24, 1993, Ms. Prevete mailed to the Commissioner of Patents a Communication Regarding Filing of Declaration and executed Declaration and a Verified Statement Claiming Small Entity Status. I have checked and hereby confirm that the internal docket number "Trick 201" corresponds to Serial No. 08/100,019, which was filed on July 30, 1993; and

6. In view of 5, I conclude—with a reasonable degree of certainty—that the Communication Regarding Filing of Declaration, the declaration itself, and the Verified Statement Claiming Small Entity Status were mailed to the Commissioner of Patents on September 24, 1993.

7. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 7/12/94

By Nanci Manfredi
Nanci Manfredi

1-1c

Col 9-24-93

Nº 0948

① Q/H 218	9/24	Amend R116
" B 8137.1	~	Request for certificate of Collection
① Q/B 8744	~	Info Disclo ^d EP Search Report Pro-1449
" Trick 201	9/30	comm regarding filing or Decl. verified statement claiming small entity
① Q/B 8752	~	INFO Disclosure
① Q/B 8655	~	INFO Discel. EP search report Pro 1447
① Q/B 8774	~	INFO Disclosure Statement EP search Report.
① Q/B 7753.1	10/1	Base Issue Fee
① Q/B 901253.1	10/2	Base Issue Fee
① Q/MTR 222	10/23	Amend R116
① Q/B 8655		Transmission of PD
① Q/B 8799		I&S
① Q/B 8421		SUPP R116 Cont English ^{Translation} OF PD
① Q/B 7330.2		Amend R116
① Q/B 8739		I&S
① Q/Meta 1199	9-30-93	Amend R116
① Q/B 8715		Notice Change Add
" ET 201 Roexam-15TH		SUPP. Amend
① Q/Mail Mail Box 1199		NET FOR ET OF THE (2005)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ROBERT T. TRICK
SERIAL NO. : 08/100,019
FILED : July 30, 1993
FOR : SEALED PACKAGE OF FILM FOR PRODUCING
FRAMED PHOTOGRAPHS
ART UNIT : UNASSIGNED
EXAMINER : UNASSIGNED

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

**DECLARATION OF KURT BRISCOE
PURSUANT TO 37 CFR 1.132**

SIR:

I, KURT BRISCOE, hereby declare:

1. From September 1988 to date, I have been an associate attorney in the law firm of SPRUNG HORN KRAMER & WOODS (the firm) whose main office is located at 660 White Plains Road, Tarrytown, New York (formerly of 1140 Avenue of the Americas, New York, New York 10036);

2. On June 14, 1994, in connection with the above-identified application, I sent a petition and a letter to Ms. Madalyn Prevete, who was formerly employed by the firm. The above-identified application apparently went abandoned because

certain correspondence, which was mailed from our office, was not received by the U.S. Patent and Trademark Office. Since Ms. Prevete was involved in the mailing of the correspondence, it was my opinion that a declaration from Ms. Prevete would likely be helpful in order to get the holding of abandonment withdrawn. Copies of the letter and the petition are attached hereto as Exhibits 1 and 2;

3. The letter and the petition were sent by Express Mail along with a postage prepaid return Express Mail envelope. Accordingly, I fully expected that Ms. Prevete would receive the letter and petition on June 15th, review and sign the petition and, then, return the executed petition to me in the prepaid envelope provided so that I received it on June 16th or 17th. However, this did not happen. Approximately, June 20, 1994, I instructed our receptionist that she should telephone Ms. Prevete at home to ascertain whether Ms. Prevete had received the letter and petition that I had sent her. Our receptionist informed me that she was unable to reach Ms. Prevete. I then informed the receptionist that she should telephone Ms. Prevete every day until the receptionist reached Ms. Prevete. This continued for a few days until Ms. Prevete's roommate answered the telephone on one occasion and informed us that the best time to reach Ms. Prevete was after 6 p.m. Since this time was after normal business hours, I took it upon myself to reach Ms. Prevete. I telephoned nightly from June 27-July 3, but was unable to reach anyone. Then on July 4th, I succeeded in reaching Ms. Prevete. Ms. Prevete answered the telephone and I recognized her voice. Unfortunately, I hesitated and asked to speak to Madalyn. Ms. Prevete told me to hold on, then some time passed and, finally, another woman came to the phone. The other woman was apparently Ms. Prevete's roommate. The roommate indicated that Ms. Prevete was not home, but that she would telephone me at work the next day. Ms. Prevete did not

telephone as promised. Accordingly, on July 12, 1994, I again telephoned Ms. Prevete at home. However, this time when she answered, I spoke to her in terms that made it clear that I knew that I was speaking to her. I asked her whether she had received the letter and the petition and she indicated that she had. I then asked her whether she would sign the petition and she indicated that she would not; and

4. Ms. Prevete left the firm under good circumstances, but the question later arose as to whether she was entitled to unemployment benefits. Apparently, she was denied these benefits, in part due to some information provided the authorities by the firm. As a result, she is apparently resentful of the firm and she indicated to me that this was the main factor in her decision not to execute the petition.

5. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 7-12-94

By Kurt G. Briscoe
Kurt G. Briscoe

SPRUNG HORN KRAMER & WOODS
ATTORNEYS AT LAW
660 WHITE PLAINS ROAD
FOURTH FLOOR
TARRYTOWN, N.Y. 10591-5144

ARNOLD SPRUNG
LEONARD HORN
NATHANIEL D. KRAMER
IRA J. SCHAEFER
KARL F. MILDE, JR.
ALAN J. GRANT
KURT G. BRISCOE*
WILLIAM C. GERSTENZANG
SARAH GOLDSTEIN

FORMERLY
BURGESS, DINKLAGE & SPRUNG
TELEPHONE
(914) 332-1700
TELECOPIER
(914) 332-1844

June 14, 1994

* MARYLAND BAR ONLY

Ms. Madalyn Prevete
2753 Mill Avenue
Brooklyn, New York 11234

Re: U.S. Patent Application
Serial No. 08/028,490
Our Ref: Bayer 8056.1-LH

U.S. Patent Application
Serial No. 08/100,019
Our Ref: Trick 201-LH

Dear Madalyn:

I sincerely hope that all is well with you. We have run into problems with the above-identified applications and need your help. Bayer 8056.1 went abandoned because we never received a notice from the Patent Office. Trick 201 went abandoned because the Patent Office never received certain papers we mailed. Although we were not at fault in either case, we must still file petitions to revive these applications. For those petitions, we will need a declaration from you because you were handling the mail in each instance.

Attached are two petitions. Please review them carefully, sign and date the last page of each and then return the signed petitions to us in the enclosed pre-paid Express Mail envelope. If you want to make changes to the petitions, simply make the changes in pen directly on the petitions and then put your initials and the date in the margin adjacent the each change. Then sign and date the last page exactly as indicated above and return the petitions to us.

We are under some time pressure. Accordingly, I would appreciate it if you would give these matters your immediate attention.

SPRUNG HORN KRAMER & WOODS

Ms. Madalyn Prevete

2

June 14, 1994

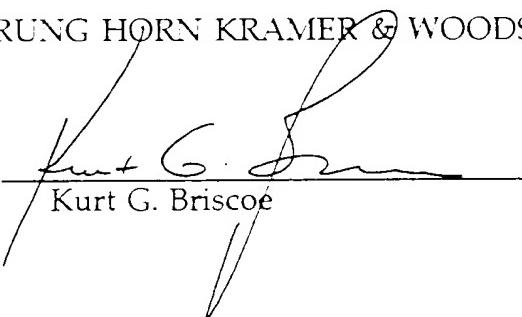
If you have any questions or, for some reason you do not wish to sign at all,
please telephone me or Nanci at 914-332-1700.

Thanks in advance for your help.

Very truly yours,

SPRUNG HORN KRAMER & WOODS

By


Kurt G. Briscoe

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ROBERT T. TRICK
SERIAL NO. : 08/100,019
FILED : July 30, 1993
FOR : SEALED PACKAGE OF FILM FOR PRODUCING
FRAMED PHOTOGRAPHS
ART UNIT : UNASSIGNED
EXAMINER : UNASSIGNED

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

**DECLARATION OF MADALYN PREVETE
PURSUANT TO 37 CFR 1.132**

SIR:

I, MADALYN PREVETE, of 2753 Mill Avenue, Brooklyn, New York 11234,
hereby declare:

1. During the period (hereinafter "this period") from September to November 1993, I was employed by the firm Sprung Horn Kramer & Woods, which has an office at 660 White Plains Road, Tarrytown, New York 10591-5144;

2. My duties during this period included mailing of correspondence to the U.S. Patent and Trademark Office. The mailing of all such correspondence was noted in a "mail book", which was arranged by date. On each date, I would briefly

indicate what was mailed in connection with a given application or patent, which would be designated in the mail book by our internal docket number;

3. Attached hereto as Exhibit 1 is a copy of page number 0948 of the mail book dedicated exclusively to mail sent to the Commissioner of Patents ("COP"). The page indicates that on September 24, 1993, I mailed (the handwriting is mine) to the Commissioner of Patents a Communication Regarding Filing of Declaration and executed Declaration and a Verified Statement Claiming Small Entity Status. I am informed that the internal docket number "Trick 201" corresponds to Serial No. 08/100,019, which was filed on July 30, 1993; and

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Date _____

By _____
Madalyn Prevete

1- μ C

Cop 9-24-93

Nº 0948

Expat भाषा

⑥	Ex H H 218	9/24	Amend R116
"	B 8137.1	-	Request for certificate of correction
"	B 8744	-	Info Disclo. E/F Search Report PRO-1449
"	Trick 201	9/30	comm Regarding filing or Decl. verified statement claiming small e
"	B 8752	✓	INFO Disclosure
"	B 8655	✓	INFO Disclo. E/F search report PRO 1447
"	B 8774	✓	INFO Disclo. Statement E/F Search Report.
"	B 7753.1	9/24	Base ISSUE Fee
"	Aoki 253.1	10/1	Base ISSUE Fee
"	B 7626.1-kGB	10/2	Base ISSUE Fee
"	M TI 222	10/23	Amend R116
"	B 8655		Transmittal of PD
"	B 8799		TDS
"	B 8421	✓	SUPP R116, Cert English off p.
"	B 7330.2		Amend R116
"	B 8739		TDS
"	Meta 1199	9-30-93	Amend R116
"	B 8715		Notice Change Add
"	ET 201 Coexam-154		Supp. Amend
"	Min. , Mule/Chad Home Net for et al TME(2115)		Net for et al TME(2115)